

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

IN RE: CAPITAL ONE CONSUMER)	
DATA SECURITY BREACH LITIGATION)	MDL No. 1:19md2915 (AJT/JFA)
)	

ORDER

This matter is currently before the Court on Plaintiffs' Motion to File Under Seal. (Dkt. No.2062.) The Motion to Seal was filed on October 29, 2021, along with a Notice of Filing under Seal. A memorandum in support of the Motion to File Under Seal was also filed with the Motion to File Under Seal, indicating that certain materials were being filed under seal that were designated as confidential under the provisions of the Amended Stipulated Protective Order. (*See* Dkt. No. 368.)

On November 5, 2021, Defendants Capital One Financial Corporation, Capital One Bank (USA), N.A., and Capital One, N.A. (collectively, "Capital One") filed a Response in Support of the Motion to Seal. (*See* Dkt. No. 2104.) In the Response, Capital One stated that limited passages on pages 5-10, 12, 13, and 17 ("Excerpts") and Exhibits 2-8 to Plaintiffs' Memorandum in Support of their Motion to Compel Discovery Regarding Capital One's Statute of Limitations and Terms & Conditions Defenses ("Memorandum") should remain under seal because they include information designated by Capital One as confidential pursuant to the Amended Stipulated Protective Order. No other response or objection to sealing the materials has been filed, and the time for doing so has expired.

Having reviewed the limited Excerpts and Exhibits, pursuant to the Amended Stipulated Protective Order and Local Civil Rule 5(C), and upon consideration of the pleadings filed herein

and the applicable standards as set forth by the Fourth Circuit in *Va. Dep't of State Police v. Washington Post*, 386 F.3d 567 (4th Cir. 2004), the Court finds that the parties have shown a sufficient basis for sealing certain information redacted in Plaintiffs' Reply at this time. **By granting this motion to seal, the undersigned is not making a determination that this information will remain under seal and will not be disclosed to the public during any summary judgment proceedings or at the trial before the District Judge.**

For the reasons stated above, the Motion to File Under Seal is **GRANTED**; and it is further **ORDERED** that the Excerpts on pages 5-10, 12, 13, and 17 of the Memorandum [Dkt. No. 2060] and Exhibits 2, 3, 4, 5, 6, 7, and 8 [Dkt. No. 2060, -2, -3, -4, -5, -6, -7, and -8] shall remain under seal at this time.

Entered this 15th day of November 2021.

Plaintiffs may file exhibits 1 and 9 in
the public record if
they wish.

/s/ JFA
John F. Anderson
United States Magistrate Judge
Hon. John F. Anderson
United States Magistrate Judge